

COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN  
County Counsel

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TDD

(213) 633-0901

TELEPHONE

(213) 974-1904

TELECOPIER

(213) 687-7300

TO: SUPERVISOR YVONNE BRATHWAITE BURKE, Chair  
SUPERVISOR GLORIA MOLINA  
SUPERVISOR ZEV YAROSLAVSKY  
SUPERVISOR DON KNABE  
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN  
County Counsel



RE: **Brown Act Amendments**

This memo is written to advise you of this year's amendments to the Government Code regarding the Brown Act.

Government Code section 54956.5 delineates the requirements for your Board to conduct emergency meetings. Senate Bill 1643 amended this statute to include a "dire emergency" which is defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist act. Since these activities pose a threat that is so immediate and significant, notice is only required to be given at or near the time that your Board meets.

In addition, prior to this legislation, closed session was not authorized at an emergency meeting. However, this amendment provides for your Board to meet in closed session on specified security matters if agreed to by two-thirds vote of your Board present, or, if less than two-thirds are present, by unanimous vote. For your Board, if 5 members are present, the required two-thirds vote is 4; if 4 members are present, the two-thirds vote is 3; and less than two-thirds present would be 3, requiring a unanimous vote.

This legislation also amends the Public Records Act, Government Code section 6254, to exempt from disclosure any documents distributed at a closed session which assess vulnerability to terrorist attacks or other criminal acts intended to disrupt operations.

Pursuant to Government Code section 54957, your Board may meet in closed session with certain authorized individuals to discuss matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or facilities. Assembly Bill 2645 expanded the list of authorized individuals to include counsel to your Board, a security consultant or a security operations manager. The matters that may be discussed was also extended to include threats to the safety and delivery of essential public services, including water, drinking water, wastewater treatment, natural gas service and electric service.

This legislation also amended section 54954.5 (closed session agenda descriptions) to reflect the additional authorized individuals and the additional matters that may be the subject of these closed sessions.

Finally, Assembly Bill 1945 added Government Code section 54963. This section prohibits disclosure of confidential information that is acquired during closed sessions, unless your Board authorizes such disclosure. Confidential information is defined as a communication made in closed session that is specifically related to the basis for your Board to lawfully meet in closed session.

The section provides for violations of this new provision to be addressed by currently available remedies, including injunctive relief, disciplinary action against an employee upon a finding of willful disclosure, and referral to the Grand Jury for willful disclosure by Board members. In addition, your Board may not take any action against a person for making a confidential inquiry or complaint to the District Attorney or Grand Jury concerning actual or potential violations of this section.

For your convenience, enclosed are copies of the legislation referenced in this memo. If you and your staff have any questions regarding these amendments, please contact me or Elizabeth Cortez, Principal Deputy County Counsel, at (213) 974-1951.

LWP:EMC:mv

Enclosures

c: David E. Janssen  
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer  
Board of Supervisors